



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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Vol. 30

March 5, 2013

No. 08

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***NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.***

# HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.3412**, a bill **REDIRECTING MOTOR VEHICLE SALES TAX REVENUE TO FUND HIGHWAY, ROAD, AND BRIDGE MAINTENANCE, CONSTRUCTION, AND REPAIR**. The legislation provides for motor vehicle sales tax revenues to serve as a dedicated funding source for the state's infrastructure needs by crediting most of the tax revenue collected on the sales of motor vehicles, capped at \$300 for each vehicle, to the State Non-Federal Aid Highway Fund to be used exclusively for highway, road, and bridge maintenance, construction, and repair. The redirection of revenue is to be phased in over the course of two years, with half of the revenue transferred during the next fiscal year, representing \$41.4 million, and thereafter the full amount, representing \$82.8 million, transferred each year. Motor vehicle sales tax revenues that fund the Education Improvement Act are not redirected.

The House amended, approved, and sent the Senate **H.3298**, a bill providing **ELECTION LAW REFORM** measures. The legislation addresses the conflicting assertions about how to satisfy the state's filing requirements for candidates for public office found in the lawsuits at the last general election that resulted in court rulings that removed several challengers from the ballot for filing their statements of economic interests or making other required filings in ways that failed to meet the timeline established in statute. The legislation overhauls statutory filing requirements and other provisions governing the way in which an individual becomes a candidate for public office in the state.

H.3298 removes the filing of a statement of economic interests from election law requirements and makes such filings an ethics law matter, exclusively, for candidates and incumbent office-holders, alike. Under the revisions, the failure to make a timely filing of required statements of economic interests would not cause candidates to be removed from the ballot or otherwise impair their status as candidates, but such a failure would be subject to the penalties established for violating the Ethics Act. The legislation requires candidates for public office and new public officials to file statements of economic interests with the State Ethics Commission within fifteen days or by the April 15 deadline established for incumbent officials to update their statements of economic interest, whichever comes last.

The procedures for becoming a candidate for public office are completely revised by H.3298 so that the involvement of political party officials is no longer required, and all necessary filings, attestations, and payments of fees are conducted through governmental offices. In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or convention must file for office under a revised protocol where candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must: complete the statement of intention of candidacy, the notice of candidacy, and pledge obtained from the State Election Commission; obtain the signature of the appropriate State Election Commission official on the statement of intention of candidacy; and file the signed statement of intention of candidacy and the notice of candidacy and pledge with the State Election Commission along with the required filing fee. Under the revised protocol, candidates seeking nomination for the state Senate, the state House of Representatives,

or a countywide or less than countywide office may obtain their necessary documents from either the State Election Commission or their appropriate county board of registration and elections, and must obtain the signature of the appropriate county board of registration and elections official on the statement of intention of candidacy, and make all required filings and payments of fees with the county board. The county board of registration and elections must, in turn, meet requirements for transmitting statements and filing fees to the State Election Commission. In every general election year, a county board of registration and elections is required to designate a specified place, other than a private residence, where a person may file as a candidate. The board must comply with the legislation's requirements for maintaining regular hours and necessary staffing at the filing place and for providing public notice of where, when, and how to file. A single designee for each recognized political party within the county, selected by the county chair, may be present at the filing place. The legislation includes requirements for political parties to receive notifications about candidate filings from county boards of registration and elections and from the State Election Commission.

H.3298 establishes provisions for combining existing boards of voter registration and boards of elections in counties where these boards have not yet been combined into a single board of registration and elections.

H.3298 establishes a revised mechanism for political parties to follow in order to nominate candidates by conventions.

The House approved and sent the Senate **H.3501**, legislation relating to **STATE FUNDING FOR LOCAL GOVERNMENTS**. The joint resolution suspends, for fiscal years 2013-2014 and 2014-2015, the statutory requirement for including 4.5% of the previous year's state General Fund in the Local Government Fund, allowing, instead, for the General Assembly to set the level of state appropriations to local government. During this time period, counties are authorized to transfer among appropriated state revenues, as needed, to ensure the delivery of services.

The House amended, approved, and sent the Senate **H.3161**, relating to the changes in standards and best practices for **COMPOUNDING PHARMACIES**. Federal law divides drug-making into two categories, manufacturing and compounding. Manufacturing involves the mass production of prescription drugs and is regulated by the U.S. Food and Drug Administration (FDA). Compounding is the process a pharmacist uses to customize a medication for a patient as directed by a prescription and this method is regulated primarily by state pharmacy boards. The bill incorporates updated United States Pharmacopeia (USP) safety standards and best practices for pharmacy compounding into the S.C. Pharmacy Practice Act including new technical definitions; detailed environmental, safety and quality controls; and standards of practice for compounding pharmacies.

The House approved and sent the Senate **H.3472**, a bill revising the process for the **CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL**. This legislation allows private schools to convert to public charter schools without having to dissolve and close for a period of twelve months if the private school's student population reflects the racial composition of the local school district in which the private school is located. Private schools that wish to convert without having to dissolve and close must adhere to certain statutory provisions. Private schools that successfully convert to charter schools will be held to the same requirements as all other charter schools.

The House approved and sent the Senate **H.3378**, the "**VOLUNTEER SERVICE PERSONNEL APPRECIATION ACT**". This legislation allows the governing body of a local government to authorize the distribution of a gratuitous year-end or holiday monetary or other type of gift to the following categories of volunteer service personnel: (1) reserve law enforcement officers; (2) volunteer firefighters; or (3) volunteer emergency medical service personnel. If the governing body elects to make a distribution, the legislation requires the governing body to treat all persons within one of these categories equally.

The House approved and sent the Senate **H.3011**, relating to the designation of "**PURPLE HEART DAY**". Currently, South Carolina recognizes "Purple Heart Day" on the third Saturday in February, this bill changes the day of recognition to the seventh day of August in order to be in line with the rest of the nation.

The House approved and sent the Senate **H.3356**, regarding the **ANNUAL REPORT OF THE ADJUTANT GENERAL**. Currently the report goes to the Governor annually, the bill adds the General Assembly to the distribution list.

The House approved and sent the Senate to **H.3411**, which allows for the use of hair extensions in **HAIR BRAIDING**, except when used in public places such as beaches, parks, and sidewalks.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Thursday, February 28, 2013, and reported out several bills.

**H.3579**, relating to the **TAKING OF NONGAME FISH IN GILL NETS**, was given a favorable recommendation by the committee. The bill states that along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within seventy-five feet of a gill net previously set, drifted within seventy-five feet of another drifting net, or placed or set within seventy-five feet of the confluence of a tributary.

The full committee gave a favorable with amendment recommendation to **H.3571**, a bill relating to **BAIT THAT MAY BE USED WITH TROT LINES, SET HOOKS AND JUGS**. The legislation revises to a smaller hook size to be used to fish along all river systems and the legislation changes the color of the jugs to white on the trotlines.

**H.3097**, regarding the **DRYCLEANING FACILITY RESTORATION TRUST FUND**, was given a favorable recommendation by the committee. The legislation basically reorganizes provisions for clarity and deletes obsolete provisions. In addition, the legislation allows the Department of Health and Environmental Control to use the funds to identify contaminated sites.

The committee gave a favorable recommendation to **S.305**, which makes technical **CHANGES TO CERTAIN GEOGRAPHIC BOUNDARIES OF WATERS** along the coast in the state. In addition, the legislation requires all wholesale seafood dealers to keep and retain accurate records.

The committee gave a favorable with amendment recommendation to **S.304**, relating to **FRESHWATER FISHING**. The bill makes technical changes to the possession of game fish. Currently, trotline markers are various colors throughout the month, the legislation changes the color of the marker to white.

## JUDICIARY

The full Judiciary Committee met on Tuesday, February 26, and reported out several bills.

**H.3147** received a favorable with amendment report. This legislation addresses a recent Supreme Court ruling that a police officer's post-traumatic stress disorder after a job-related fatal shooting of a suspect did not arise from extraordinary and unusual conditions of employment, as required to be awarded workers' compensation payments for mental injuries. This legislation exempts **FIREFIGHTERS, LAW ENFORCEMENT OFFICERS, EMERGENCY MEDICAL TECHNICIANS OR CORRECTIONAL OFFICERS SEEKING WORKERS' COMPENSATION FOR PERSONAL INJURY CAUSED BY STRESS, MENTAL INJURY OR MENTAL ILLNESS** from meeting this extraordinary and unusual conditions standard when the conditions giving rise to the stress, mental injury, or mental illness occur while the employee is engaged in an event or series of events that are part of the employee's employment.

The full committee gave a favorable with amendment report to **H.3163**. This is a bill **REVISING THE FREEDOM OF INFORMATION ACT (FOIA)**, which establishes an individual's rights to inspect or obtain copies of public records and other government documents. Highlights of the legislation include the following.

### ***Complying with Requests***

The legislation includes provisions allowing the electronic transmission and online posting of public records.

The legislation revises the fees that a public body is allowed to charge for complying with FOIA requests. The legislation authorizes a public body to establish and collect reasonable fees not to exceed the actual cost of the search, retrieval, and redaction of records. Among other things, the legislation: prohibits copy charges for records transmitted in an electronic format; caps fees at the prevailing commercial rate for producing copies; and provides a method for limiting fees a public body may charge for the search, retrieval and redaction of records. The legislation requires a public body to develop and post a fee schedule online. The legislation allows a deposit of up to 25% of the total cost for reproduction of the records to be required prior to the public body searching for or making copies of records.

The legislation revises the timeline for complying with a FOIA request. This legislation requires each public body within ten days, rather than 15 days as current law allows, of the receipt of the request to notify the person making the request of its determination and the reasons for it. If the request is granted, the legislation requires records to be furnished or made available no later than 30 calendar days from the date of the original request or no later than 30 calendar days from the date a requested deposit is received, whichever is later. If, however, the records are more than 24 months old, the public body is allowed up to 45 additional calendar days to produce the records.

Documents produced by a public body or its agent and distributed or reviewed by any member at a public meeting during the previous six-month period are included among the records a public body must make available for public inspection and copying without written request.

Under current law a wilful violation of FOIA is a misdemeanor. This legislation increases fines for this misdemeanor offense and provides that the responsible officer or public official of an agency may be punished for wilful violations.

### ***Office of Freedom of Information Act Review***

The legislation creates within the Administrative Law Court the Office of Freedom of Information Act Review. A citizen may seek enforcement of a request with this office or challenge the reasonableness of a fee assessed; also, a public body may file a request for a hearing to seek relief concerning requests. A determination of this office may be appealed to the Administrative Law Court or enforced by an administrative law judge.

### ***Removal of the Legislative Exemption***

Current law provides an exemption to FOIA for memoranda, correspondence, and working paper in the possession of the General Assembly of their immediate staff; this legislation deletes this exemption.

The Judiciary Committee gave a favorable report to **H.3074**, which relates to **PLEA NEGOTIATIONS OR AGREEMENTS AND UNIFORM TRAFFIC TICKETS**. Incident to a plea negotiation or agreement, this legislation provides that a law enforcement officer or other person authorized by law to prosecute an offense for which a uniform traffic ticket is issued may invalidate the ticket and reissue a uniform traffic ticket for another offense.

**H.3451**, relating to **OFFENSES CHARGED ON A UNIFORM TRAFFIC TICKET**, received a favorable with amendment report. This legislation addresses issues pertaining to the use of a uniform traffic ticket to begin judicial proceedings in magistrates court that arose from a recent Court of Appeals case. The legislation adds criminal domestic violence and shoplifting offenses to the offenses charged on a uniform traffic ticket under Section 56-7-10, which allows uniform traffic tickets to be issued for these offenses even if the act did not occur in the officer's presence. Also, the legislation requires an officer who makes a shoplifting arrest using a uniform traffic ticket to immediately file an incident report; this requirement is already in place under current law if a uniform traffic ticket is used for a criminal domestic violence offense. Further, the

legislation allows a uniform traffic ticket to be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that has been freshly committed or is committed in the presence of a law enforcement officer.

**H.3193** received a favorable with amendment report. Relating to the **COMPUTATION OF TIME SERVED BY A PRISONER**, this legislation provides that any time served under monitored house arrest by a prisoner must be used in computing time served.

The full committee gave a favorable with amendment report to **H.3342**, relating to **BENCH WARRANTS**. This legislation prohibits a judge from issuing a bench warrant for failure to appear in court upon motion by the solicitor or other prosecuting entity, unless the solicitor or the party charged with administering the general sessions docket has provided notice to the attorney of record and the bond surety company, if applicable, at least seventy-two hours before the bench warrant is issued. This provision does not apply if the presiding judge on his own will issues the bench warrant for failure to appear.

## LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on Thursday, February 28, and reported out several bills.

The committee gave a report of favorable with amendments on **H.3484**, a bill revising requirements for **FISCAL IMPACT STATEMENTS ON PROPOSED REGULATIONS** submitted by state agencies for review by the General Assembly. The legislation provides for a final fiscal impact statement on a proposed regulation submitted for legislative approval that has been updated by the State Budget Office to include revisions to the estimated cost of compliance and implementation following any substantive changes that may have been made to the regulation as a result of receiving public comments or holding public hearings.

The committee gave a report of favorable with amendments on **H.3409**, a bill relating to the **CANCELLATION OF ROOFING CONTRACTS WHEN INSURERS DENY COVERAGE** of the work. The legislation establishes a procedure allowing a person who enters into a written contract for goods or services related to a roofing system with a party who will be paid from proceeds of a property and casualty insurance policy and who subsequently receives written notice from the insurer that all or part of the claim or contract is not a covered loss under the policy to cancel the contract prior to midnight on the fifth business day after the insured has received the written notice of the denial of coverage. A violation of this cancellation procedure is included among the instances of misconduct that the South Carolina Residential Builders Commission considers in determining whether a license or registration should be revoked, suspended, or restricted.

The committee gave a favorable report on **H.3620**, a bill relating to risk retention groups licensed as **INDUSTRIAL INSURED CAPTIVE INSURANCE COMPANIES**. The legislation provides that an industrial insured captive insurance company is subject to certain requirements concerning reports for risk-based capital, acquisitions disclosure, asset disposition, and ceded reinsurance agreements. The legislation establishes

specific conditions under which the Department of Insurance may elect not to take regulatory action concerning risk-based capital.

The committee gave a favorable report on **H.3621**, a bill relating to a **HAZARDOUS INSURER LICENSEE REVOCATION**. The legislation revises provisions governing the revocation or suspension of a certificate of authority to transact business in this state by an insurer, so as to revise provisions concerning a revocation of the licensee of a hazardous insurer.

The committee gave a favorable report on **H.3624**, a bill to provide a **STATE COMMITMENT TO DEFEND AND INDEMNIFY SOUTH CAROLINA PUBLIC BENEFIT AUTHORITY (PEBA) PERSONNEL** in their performance of official duties. The legislation provides that the State shall defend the members of the Board of Directors of the South Carolina Public Benefit Authority against a claim or suit that arises out of or by virtue of their performance of official duties on behalf of the authority and must indemnify these directors for a loss or judgment incurred by them as a result of the claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The State shall defend officers and management employees of PEBA against a claim or suit that arises out of or by virtue of performance of official duties unless the officer or management employee was acting in bad faith and must indemnify these officers, and management employees for a loss or judgment incurred by them as a result of such claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. This commitment to defend and indemnify extends to PEBA directors, officers, and management employees after they have left their office or employment with PEBA, if the claim or suit arises out of or by virtue of their performance of official duties on behalf of PEBA.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **H.3622 *PIERCING OR TATTOOING COMPANION ANIMALS* Rep. Atwater**

This bill outlines that a person shall not pierce or tattoo a companion animal unless the piercing or tattooing provides for the identification of the companion animal or the piercing or tattooing provides a medical benefit to the companion animal. This also provides for penalties for violations. This provision does not apply to a person who is the owner or possessor of a companion animal that has any piercing or tattooing prior to this section.

### **EDUCATION AND PUBLIC WORKS**

#### **H.3607 *"MOTOR VEHICLE OPERATOR INSURANCE REFORM ACT"***



**Rep. Atwater**

This legislation enacts the "Motor Vehicle Operator Insurance Reform Act". It prohibits the Department of Motor Vehicles from issuing a drivers license to an uninsured motorist or other person who does not have coverage under a motorist liability policy. The legislation further provides that an automobile insurer must offer motorist liability coverage to insure an individual for his operation of any motor vehicle rather than a specific motor vehicle. Motorist liability insurance or other similar automobile insurance must follow the person regardless of the motor vehicle he is operating and must not follow the vehicle. Among other things, the legislation provides necessary definitions and repeals Chapter 9, Title 56 relating to financial responsibility mandates for motor vehicle operators.

**H.3631 GOLF CARTS Rep. Daning**

This legislation provides for the issuance of golf cart permits, regulates the operation of golf carts, and provides a misdemeanor offense for violations. The legislation repeals the current statute relating to the issuance of golf cart permits and the operation of golf carts.

**H.3634 SCHOOL PRAYER Rep. G. A. Brown**

Current law provides that all schools shall provide for a minute of mandatory silence at the beginning of each school day. As an alternative, the legislation allows the school principal or a teacher to deliver a prayer at the beginning of the school day. The school shall notify parents and guardians of the policy in writing in a school handbook, including the right of a student to leave the classroom during that time if the student does not want to listen to or participate in the prayer.

**H.3643 ADULT EDUCATION Rep. Loftis**

This legislation transfers the appropriations, functions, powers, duties, responsibilities, and authority statutorily exercised by the Department of Education concerning adult education to the State Board for Technical and Comprehensive Education.

**H.3648 OPENING DATE FOR THE ANNUAL SCHOOL CALENDAR Rep. Pope**

Current law provides that schools may not open before the third Monday in August, except for schools operating on a year-round modified school calendar; this legislation eliminates this provision. This legislation grants each local school district board of trustees the authority to establish the opening date for schools under its jurisdiction.

**H.3721 FIRST STEPS TO SCHOOL READINESS BOARD OF TRUSTEES AND SOUTH CAROLINA ADVISORY COUNCIL Rep. J. E. Smith**

This legislation revises the First Steps to School Readiness Board of Trustees by increasing the voting members from twenty to twenty-two and by revising nonvoting membership of the board. The legislation also provides for the membership, powers, and duties of the South Carolina Advisory Council established in compliance with the "Improving Head Start For School Readiness Act of 2007" to address issues relating to early childhood education and development programs and services.

**H.3725 "SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT" Rep. Putnam**

This legislation enacts the "Safe Access to Vital Epinephrine (SAVE) Act" so as to allow school district and private school governing authorities to obtain supplies of epinephrine auto-injectors for schools to use in certain circumstances. Among other things, the legislation authorizes certain people to prescribe and dispense prescriptions for epinephrine auto-injectors in the name of a school; authorizes certain school personnel

to provide epinephrine auto-injectors to students for self-administration of the injector; authorizes certain personnel to administer epinephrine auto-injectors to students and other people; provides for the Department of Health and Environmental Control and school district and private school governing authorities to develop and facilitate implementation of guidelines for management of students with life-threatening allergies, including for administration and provision of epinephrine auto-injectors to students and other people; and provides for immunity from liability with regard to use of epinephrine auto-injectors by schools.

**H.3726 SCHOOL SNACKS, FOOD AND BEVERAGES Rep. Sellers**

This bill provides that each district's Coordinated School Health Advisory Council shall determine which snacks and beverages may be sold for student consumption during the regular school day. The bill outlines nutritional guidelines for snacks and beverages sold for student consumption. There are different nutritional guidelines for beverages sold in elementary, middle and high schools. Snacks and beverages offered for student consumption in vending machines in middle and high schools must conform to the same nutritional standards. Snacks and beverages may not be offered for sale for student consumption in vending machines in elementary schools. At least 50% of nonmilk beverages offered for sale for student consumption in elementary, middle, and high schools must be water and zero calorie or low calorie options. The legislation outlines certain nutritional guidelines that food served to a student in an elementary, middle, or high school during the regular school day that is not a 'full meal' must contain. Portion size for a la carte sales in a cafeteria must not exceed the serving size of the food served in the National School Lunch Program or School Breakfast Program. These provisions may not be construed to prohibit or limit the school approved sale or distribution by students, teachers, or groups, of any food or beverage item for fundraising purposes. Revisions to nutritional standards must correspond with the Alliance for a Healthier Generation's Competitive Food Guidelines.

## JUDICIARY

**S.221 COMMERCIAL CODE FUNDS TRANSFERS Sen. Hayes**

This bill revises provisions governing Commercial Code funds transfers so as to make the provisions applicable to remittance transfers, unless the remittance transfer is an electronic fund transfer. The legislation provides that, in the event there is an inconsistency between these provisions and the applicable provisions of the Electronic Fund Transfer Act, the provisions of the Electronic Fund Transfer Act govern.

**S.223 SELF-DEFENSE, DEFENSE OF ANOTHER OR DEFENSE OF A DOMESTIC ANIMAL Sen. Campsen**

This legislation allows a person to kill or attempt to kill an animal in self defense, defense of another person or defense of a domestic animal in certain situations which would otherwise be a violation of Title 50 (Fish, Game and Watercraft); this provision is not applicable to deer. Any person who kills or attempts to kill a big game animal or alligator must immediately report the incident to the Department of Natural Resources. No big game animal or alligator taken may be retained; the big game animal or alligator carcass must be surrendered to the Department of Natural Resources. Failure to report the incident or surrender the carcass is a misdemeanor and, upon conviction, may result in a fine of up to \$1,000.

**S.323 *UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS***

**Sen. Hayes**

This legislation makes various revisions to the Uniform Commercial Code- Secured Transactions.

**H.3608 *RESERVE POLICE OFFICERS* Rep. Pitts**

This legislation provides that a reserve police officer has the status of constable under certain circumstances and with the jurisdictional limits of his appointing authority.

**H.3625 *STOPPING, PARKING, OR LEAVING STANDING A VEHICLE***

**Rep. Murphy**

This legislation makes a provision relating to stopping, standing, or parking a vehicle upon the roadway outside a business or residential district also apply to vehicles on a roadway inside a residential district.

**H.3626 *MOTORSPORTS ENTERTAINMENT COMPLEX* Rep. Lucas**

This legislation provides that the owner of a motorsports entertainment complex located in this state or his designee may apply for and be issued an annual license which authorizes the purchase, sale, and consumption of beer and wine at any occasion held on the grounds of the complex year round on any day of the week. The legislation provides for the terms and conditions for this annual license, including the fee, and provides for other matters relating to the administration of this license and applicable alcoholic beverage control laws in connection with the use of this license. The legislation further provides that the owner of a motorsports entertainment complex, or his designee, also may be issued, upon application, an annual license that authorizes the purchase, sale, and consumption of alcoholic liquors by the drink at any occasion held on the grounds of the complex under the same specified terms and conditions as provided for beer and wine permits.

**H.3627 *CONCEALED WEAPONS PERMITS* Rep. Gagnon**

Current law requires SLED to maintain a list of states which have weapons permit reciprocal agreements with South Carolina and requires this state to honor a weapons permit issued by another state as long as the other state requires an applicant for a permit to successfully pass a criminal background check and a course in firearm training safety. This legislation deletes these requirements and provides that a person who holds a valid out-of-state permit may carry a weapon in this state.

**H.3628 *MEASURES TO SAFEGUARD A CLASS OF PROTECTED CONSUMERS FROM BECOMING VICTIMS OF IDENTITY THEFT***

**Rep. Toole**

This legislation provides certain measures to safeguard a class of protected consumers from becoming victims of identity theft. 'Protected consumer' means an individual who is: under the age of sixteen years at the time a request for the placement of a security freeze is made; or an incapacitated person or a protected person for whom a guardian or conservator has been appointed. It allows representatives with sufficient proof of authority to place a preemptive security freeze on protected consumer's credit reports. The legislation provides limitations, provides requirements to implement a security freeze, provides for the duration and extent of a security freeze, and provides terms for removal of a security freeze on a protected consumer's credit report or record.

**H.3635 REDUCED FEES FOR CRIMINAL RECORD SEARCHES FOR CHARITABLE ORGANIZATIONS Rep. Pope**

This legislation clarifies the definition of charitable organizations which pay a reduced fee for criminal record searches includes local park and recreation volunteers through a commission, municipality, county, or the South Carolina Department of Parks, Recreation and Tourism. The legislation further provides that an organization that is authorized to receive the reduced fee shall not charge the volunteer, mentor, member, or employee more than eight dollars or any additional fee that is not required by the State Law Enforcement Division. The legislation further provides that all criminal record searches conducted for charitable organizations must be for a volunteer, mentor, member, or employee performing in an official capacity of the organization and must not be resold.

**H.3630 TEXTING WHILE DRIVING - CREATION OF CARELESS DRIVING OFFENSE AND REVISION OF RECKLESS DRIVING OFFENSE Rep. Felder**

This legislation provides that a person who operates a motor vehicle while distracted, or in an inattentive manner which includes texting while driving is guilty of careless driving, a misdemeanor, and, upon conviction must be fined not more than \$500 and have two points assessed against his driving record. The legislation further provides that reckless driving includes distracted driving or inattentive driving that includes texting while driving when bodily injury occurs.

**H.3641 REVISIONS TO THE FREEDOM OF INFORMATION ACT Rep. Newton**

Relating to exemptions for certain work of the Members of the General Assembly and their staff from the Freedom of Information Act, this legislation provides these limitations apply only to work pertaining to the development, drafting, or evaluation of legislation that has not been introduced or an amendment to this legislation that has not been proposed to a legislative committee or legislative body. The legislation clarifies that the provision does not limit or restrict public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered public information and not otherwise exempt from disclosure by the act. The legislation exempts written or electronic correspondence sent to an individual public official by a constituent of that public official.

**H.3642 ELECTION OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE Rep. Stavrinakis**

This bill provides for the Director of the Department of Insurance to be elected to office, rather than appointed by the Governor, beginning with the 2014 statewide election process, and revises the governance of the Department of Insurance accordingly.

**H.3646 "SOUTH CAROLINA RESTRUCTURING ACT OF 2013" Rep. G. R. Smith**

This comprehensive legislation restructures state government and provides for legislative oversight of executive departments. Among other things, this legislation abolishes the State Budget and Control Board and adds a newly-created Department of Administration under the executive branch. Notably within the Department of Administration, the legislation includes an Office of the State Retirement System to perform the administrative and operational functions of the systems with policy decisions to be made by a newly established South Carolina Contracts and Accountability Authority. The legislation abolishes the current Public Employees Benefit Authority.

**H.3647 REPEAL OF STATUTE RELATING TO JOINT OPEN MEETINGS OF  
STANDING COMMITTEES OF EACH HOUSE OF THE GENERAL  
ASSEMBLY IN CHARGE OF APPROPRIATION MEASURES Rep.**

**Pitts**

This legislation repeals Section 11-11-90, relating to joint open meetings of the standing committees of each house of the General Assembly in charge of appropriation measures.

**H.3715 "COLLABORATIVE LAW ACT" Rep. J. E. Smith**

This legislation enacts the "Collaborative Law Act" so as to provide for the alternative dispute resolution process of collaborative law in which parties to a legal dispute seek to negotiate a resolution of the matter without appearing before, or the intervention of, a tribunal. The collaborative law process is voluntary, and each party in the process must be represented by a collaboratively trained lawyer whose sole purpose is to negotiate an agreement.

**H.3716 UNLAWFUL VEHICLE TRAVEL ALONG A HIGHWAY Rep. Barfield**

This legislation provides that it is unlawful for any vehicle to travel along a highway in a manner that intentionally precludes another vehicle from safely passing it in either direction.

**H.3717 OFFENSES OF HARASSMENT AND STALKING Rep. Quinn**

This legislation includes in the purview of the harassment and stalking offenses persons who commit the offenses while subject to the terms of a restraining order issued by the family court and who have been issued a previous warning by a law enforcement officer.

**H.3722 NOTARIES PUBLIC Rep. Wells**

This legislation makes various revisions pertaining to notaries public. Among other things, this legislation provides qualifications for a commission, including being registered to vote and able to read and write in the English language; authorizes and prohibits certain acts of a notary public; provides maximum fee a notary may charge; provides the process for giving a notarial certificate; specifies changes for which a notary must notify the Secretary of State; provides the elements and penalties of certain crimes relating to notarial acts; and provides the form for a notarized document sent to another state.

**H.3723 "DIGITAL IMPERSONATION PREVENTION ACT" Rep. Funderburk**

This legislation enacts the "Digital Impersonation Prevention Act". Among other things, it creates the offense of impersonating another person with the intent to harass or harm through the internet or other electronic means, and it allows a person to bring a civil action.

**H.3732 DEPARTMENT OF SOCIAL SERVICES "SAFETY PLANS" AND  
"VOLUNTARY TREATMENT PLANS" Rep. Funderburk**

This legislation relates to child protection and adds definitions for the terms "safety plan" and "voluntary treatment plan". This legislation requires a parent or guardian to sign a safety plan or voluntary treatment plan, if the Department of Social Services agrees to allow the child to remain in the home rather than remove the child; the parent or guardian must complete the plan within ninety days. The legislation requires the department to provide certain services to the parent or guardian and requires the

department to file a petition for a hearing if the parent or guardian does not achieve the plan's goals within ninety days. Among other things, the legislation requires the department to initiate certain actions if, at the ninety-day hearing, there is probable cause of abuse or neglect or to close the case if, at the ninety-day hearing, there is not probable cause of abuse or neglect.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.3609 *LASER POINTER PROHIBITIONS* Rep. Clemmons**

This bill prohibits the sale, possession, and use of certain laser pointing devices under certain circumstances. The legislation establishes exemptions and remedies.

### **H.3619 *CONTACT INFORMATION REQUIREMENTS FOR DEPARTMENT OF INSURANCE APPLICATIONS* Rep. Sandifer**

This bill enhances requirements for providing updated identifying information and contact information for individuals applying to the Department of Insurance for licensure as a professional surety bondsmen or runners, insurance producers, adjusters, public adjusters, and motor vehicle physical damage appraisers.

### **H.3620 *INDUSTRIAL INSURED CAPTIVE INSURANCE COMPANIES* Rep. Sandifer**

This bill provides that an industrial insured captive insurance company is subject to certain requirements concerning reports for risk-based capital, acquisitions disclosure, asset disposition, and ceded reinsurance agreements. The legislation establishes specific conditions under which the Department of Insurance may elect not to take regulatory action concerning risk-based capital.

### **H.3621 *HAZARDOUS INSURER LICENSEE REVOCATION* Rep. Sandifer**

This bill revises provisions governing the revocation or suspension of a certificate of authority to transact business in this state by an insurer, so as to revise provisions concerning a revocation of the licensee of a hazardous insurer.

### **H.3623 *REQUIREMENTS FOR AUTOMOBILE INSURERS TO ISSUE VERIFICATION OF COVERAGE TO MOBILE ELECTRONIC DEVICES* Rep. Atwater**

This bill provides that an automobile insurer must issue verification concerning the existence of coverage it provides an insured in an electronic format to a mobile electronic device upon request of the insured.

### **H.3624 *STATE COMMITMENT TO DEFEND AND INDEMNIFY SOUTH CAROLINA PUBLIC BENEFIT AUTHORITY (PEBA) PERSONNEL* Rep. Herbkersman**

This bill provides that the State shall defend the members of the Board of Directors of the South Carolina Public Benefit Authority against a claim or suit that arises out of or by virtue of their performance of official duties on behalf of the authority and must indemnify these directors for a loss or judgment incurred by them as a result of the claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The State shall defend officers and management employees of PEBA against a claim or suit that arises out of or by virtue of performance of official

duties unless the officer or management employee was acting in bad faith and must indemnify these officers, and management employees for a loss or judgment incurred by them as a result of such claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. This commitment to defend and indemnify extends to PEBA directors, officers, and management employees after they have left their office or employment with PEBA, if the claim or suit arises out of or by virtue of their performance of official duties on behalf of PEBA.

**H.3639 COMPETITION IN GOVERNMENTAL BUILDING CONTRACTS**

**Rep. Sandifer**

For the stated purpose of promoting fair and open competition in governmental contracts, this bill provides that state or local entities, officials, and employees, in regard to a public building, may not require or prohibit a bidder, offeror, contractor, or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the project and may not otherwise discriminate against a bidder, offeror, contractor, or subcontractor for becoming or refusing to become a signatory to an agreement with one or more labor organizations in regard to the project. The legislation provides that state and local entities, officials, and employees shall not award a grant, tax abatement, or tax credit conditioned upon the inclusion of such agreements in the award. The legislation establishes exceptions to and exemptions from these provisions.

**H.3644 CLEAN ENERGY INDUSTRY INCENTIVES AND MARKET DEVELOPMENT**

**Rep. Loftis**

This bill establishes within the Division of State Development of the Department of Commerce the Clean Energy Industry Market Development Advisory Council and provide for its membership and functions. The legislation revises the Renewable Energy Tax Credit Incentive Program, so as: to redesignate the program the South Carolina Clean Energy Tax Incentive Program; to revise definitions to extend the credit to additional forms of energy production and operations; to decrease investment thresholds and decrease job creation thresholds for qualifying for the credit and make the credit, previously due to expire December 31, 2015, available through 2019; and, to revise credit administration procedures. The legislation revises the income tax credit for corn-based ethanol or soy-based biodiesel production in this state, so as to extend the credit to all liquid fuels derived from renewable sources, make conforming definitions, reduce the amount of liquid fuel eligible for the credit, and extend the period during which the credit may be claimed through 2019.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3618 PHYSICIAN'S ASSISTANTS**

**Rep. Crawford**

Among many things, this bill provides conditions for which a physician may enter into a supervisory relationship with a physician assistant.

**H.3731 "SOUTH CAROLINA LAY MIDWIFE ACT"**

**Rep. Crawford**

This bill enacts the "South Carolina Lay Midwife Act", which provides for the licensure of lay midwives. Along with other definitions, the bill outlines that a "lay midwife" means a midwife who may have had little formal training or recognized professional education in midwifery, who learned by accompanying doctors or midwives attending home births.

## WAYS AND MEANS

### **H.3632 WORKERS' COMPENSATION COMMISSION FUNDING**

**Rep. G. M. Smith**

This bill authorizes the Workers' Compensation Commission to retain a portion of the annual revenue of the maintenance tax imposed on self insurers as well as half of the interest charged on delinquent maintenance tax in order to pay the salaries and expenses of the commission.

### **H.3640 INCREASE IN THE ROAD TAX AND THE USER FEE ON GASOLINE AND DIESEL FUEL Rep. Bales**

This bill increases the user fee on gasoline and diesel fuel, from sixteen cents to twenty-one cents a gallon, and increases the road tax in the same manner.

### **H.3645 INCREASE IN THE ROAD TAX AND THE USER FEE ON GASOLINE AND DIESEL FUEL Rep. Stringer**

This bill increases the user fee on gasoline and diesel fuel, from sixteen cents to twenty-one cents a gallon, and requires the user fee to be adjusted annually by an inflation factor equal to the annual average percentage adjustment in the previous ten completed calendar years of the consumer price index. The legislation increases the road tax in the same manner as the user fee and imposes an additional annual road fee on the owner of a hybrid, plug-in hybrid, or electric motor vehicle.



**H.3733 VALUE OF GREEN SPACE LAND USE IN ROLL-BACK TAX  
CALCULATIONS Rep. Pope**

This bill provides that, when calculating roll-back tax due on a parcel of real property changed from agricultural to commercial or residential use, the value used for platted green space for conservation or open space use of the parcel, if such use is ten percent or more of the parcel, must be valued based on the green space for conservation or open space use.

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